

[Commonwealth Act No. 210, November 20, 1936]

AN ACT TO AMEND FURTHER SECTIONS THREE, EIGHT, THIRTEEN, FOURTEEN, SIXTEEN, TWENTY-THREE, TWENTY-FOUR, TWENTY-FIVE AND THIRTY-NINE OF ACT NUMBERED THIRTY-FOUR HUNDRED AND TWENTY-EIGHT, COMMONLY KNOWN AS THE WORKMEN'S COMPENSATION ACT, AS AMENDED BY ACT NUMBERED THIRTY-EIGHT HUNDRED AND TWELVE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section three of Act Numbered Thirty-four hundred and twenty-eight, commonly known as the Workmen's Compensation Law, as amended by Act Numbered Thirty-eight hundred and twelve, is further amended to read as follows:

"SEC. 3. *Applicable to Government.*—This Act shall also be applicable to mounted messengers in the service of the National Government and all its political subdivisions and to the employees and laborers employed in public works and in the industrial concerns of the Government."

SEC. 2. Section eight of the same Act Numbered Thirty-four hundred and twenty-eight, as amended by Act Numbered Thirty-eight hundred and twelve, is further amended to read as follows:

"SEC. 8. *Death benefit.*—If the disease contracted or injury received by the employee as provided in section two hereof causes his death within one year from the date of such injury or sickness, the employer shall pay the compensation to the persons entitled thereto, and in case there should be none, he shall pay to the person representing the deceased employee the burial expenses not to exceed one hundred pesos, and shall also pay to or for the following persons, in the order of priority and during the periods hereinafter set forth, a weekly compensation equivalent to the following percentages of the average weekly wages of the employee, as determined in section nineteen of thi3 Act:

- a. To the dependent widow or widower, in case there are no dependent children, forty-five per centum.
- b. To the dependent widow or widower in ease there are one or two dependent children, fifty per centum, and if there are three or more dependent children, sixty per centum. The compensation to the widow or widower shall be for the use or benefit of the widow or widower and of the dependent children, and the Bureau of Labor may from time to time adjust the compensation between them in the most suitable manner possible.
- c. If there is no dependent widow or widower, but a dependent child or children, such child or children shall be paid thirty per centum, with ten per centum additional for each child in excess of two, up to a maximum of fifty per centum, which shall be distributed in equal shares among the children if there be more than one.
- d. If there are no dependent widow, widower, or children, but there is a dependent father or mother, forty per centum to the father or mother if totally dependent, or twenty-five per centum if partly dependent, and if both parents are dependent, each shall be paid one-half of such compensation. If there is

no parent, but dependent grandparents, the same compensation shall be paid as to a father or mother.

- e. If there are no dependent widow, widower, child, parent, or grandparent, but there is a dependent grandchild, brother or sister or two or more such, then twenty-five per centum shall be paid for one dependent and five per centum additional for each additional dependent, up to a maximum of forty per centum, which shall be distributed share and share alike among the dependents if there be more than one.

"When several persons are entitled to compensation and there is disagreement concerning the share of the compensation each should receive, the Bureau of Labor shall act as referee and designate the share to be allotted to each dependent, but if the good offices of said Bureau do not meet with the approval of all parties concerned, the courts shall be competent to settle the matter in case an action is brought, and the employer may turn the money over to the court, subject to disposal by the same. In case the laborer or employee who had the accident dies and there is no surviving spouse and the dependents or some of them are minors and have no guardian appointed by a court, the employee or concern compelled to pay compensation under this Act shall deposit the money represented by such compensation with the local municipal court or justice of the peace court, and the officers thereof shall order payment to the minors through the municipal treasurer and the city treasurer, as the case may be, without necessity of appointing a guardian."

SEC. 3. Section thirteen of the same Act, as amended by Act Numbered Thirty-eight hundred and twelve, is further amended to read as follows:

"SEC. 13. *Medical attendance.*—Immediately after an employee has suffered an injury or contracted sickness and during the subsequent period of disability, the employer shall provide the employee with such medical, surgical, and hospital services and supplies as the nature of the injury or sickness may require.

"The pecuniary liability of the employer for the necessary medical, surgical, and hospital services and supplies shall be limited to the amount ordinarily paid in the community for such treatment of an injured person of the same standard of living if the treatment had to be paid for by the injured person himself.

"In case the employer cannot furnish medical, surgical, and hospital services and supplies promptly, the injured employee may acquire the same at the expense of the employer.

"If, in case of litigation, it is shown before a competent court that the injured employee voluntarily refused to accept the services of a competent physician or surgeon or voluntarily rejected the medical, surgical, and hospital services and supplies provided by the employer, or voluntarily obstructed the physician or surgeon or the medical, surgical, or hospital services, such refusal on the part of the employee shall be construed as a waiver of all or part of his rights to the medical, surgical, and hospital services paid for by the employer, and in this case the employer shall be liable only for the injury or for the disability of any

nature that would have ensued if the injured man had accepted the medical, surgical, and hospital services and supplies tendered by the employer: Provided, however. That the refusal as well as the kind, of disability that would have been the result of the injury if the injured person has accepted such services, shall be set forth in an affidavit made within twenty-four hours after such refusal by the physician called to attend the injured person."

SEC. 4. Section fourteen of the same Act is hereby amended to read as follows:

"SEC. 14. *Total disability*.—In case the injury or sickness causes total disability for labor, the employer, during such disability, but exclusive of the first seven days, shall pay to the injured employee a weekly compensation equivalent to sixty per centum of his average weekly wages; but not more than eighteen pesos nor less than four pesos per week, except in the ease provided for in the next following paragraph. Such weekly payments shall in no case continue after the disability has ceased, nor shall they extend over more than two hundred and eight weeks, nor shall the aggregate sum paid as compensation exceed in any case three thousand pesos. But no award of permanent disability shall take effect until after two weeks have elapsed from the date of the injury.

In the case of an employee whose average weekly wages are less than four pesos per week, the weekly compensation shall be the entire amount of such average weekly wages; but if the disability is permanent, the compensation shall be four pesos in such cases. In the event that the total disability begins after a period of partial disability, the latter shall be deducted from said total period of two hundred and eight weeks."

SEC. 5. Section sixteen of Act Numbered Thirty-four hundred and twenty-eight, as amended by Act Numbered Thirty-eight hundred and twelve, is hereby amended further to read as follows:

"SEC. 16. *Partial disability*.—In case the injury or sickness causes partial disability for labor, the employer, during such disability and except as hereinafter provided, shall pay to the injured or sick employee for a period of not to exceed two hundred and eight weeks, beginning with the first day of disability, a weekly compensation equal to fifty per centum of the difference between his average weekly wages before the accident and the weekly wages which he could probably earn thereafter; but not more than ten pesos per week. The weekly payments shall not in any case continue after the disability has ceased, and in case partial disability sets in after a period of total disability, such period of total disability shall be deducted from the total period of two hundred and eight weeks and the amount of the compensation paid shall not in any case be in excess of the total sum of three thousand pesos. No award for disability shall be made before a lapse of two weeks counted from the date of the injury."

SEC. 6. Section twenty-three of the same Act is hereby amended to read as follows:

"SEC. 23. *Medical examination*.—After receiving an injury or contracting sickness and during the period of his disability, the laborer shall at reasonable times and places submit to examination by a duly qualified